

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/645,099

Applicant : Jeff S. Eder

Filed : August 21, 2003

Art Unit : 3692

Examiner : Clement Graham

Docket No. : AR - 55

Customer No. : 53787

DECLARATION UNDER RULE 132

I, Gregory Cusanza, do hereby declare and say: my home address is 8604 233rd Place NE, Redmond, WA 98053 and I have a B.S. degree in computer science from Cal Poly San Luis Obispo.

I have worked in the data processing field for 15 years, concentrating in the disciplines of data storage, data conversion and enterprise processing. I also have extensive knowledge of computer system administration, particularly for Windows-based, Linux, and Unix systems; I have been employed by a corporation that was recently purchased by EMC for 12 years, Knacta for 1.5 years and Kantrak, Inc. for the last month. I own 5% of the issued common stock in Kantrak, Inc.

I further declare that I do not have any direct affiliation with the application owner, Asset Reliance, Inc. I met the inventor for the first time in April 2004. I joined

Kantrak, Inc., a company run by the inventor in February of 2008. Kantrak, Inc. has a license to the intellectual property associated with this application.

On March 24, 2008 I was given a copy of U.S. Patent 5,991,758 for a System and method for indexing information about entities from different information sources by Scott Ellard and a copy of the 10/645,099 patent application. The Ellard patent was issued by the United States Patent Office on November 23, 1999. Until that time I had not read the patent or the patent application. I had previously read a copy of patent application 10/441,385 which is similar to the 10/645,099 specification. I have studied the entire specification of the Ellard invention and application 10/645,099 in order to closely analyze the claims and drawings. I am totally familiar with the language of the claims and conversant with the scope thereof. I completely understand the inventions as claimed.

Because the entities defined by Ellard correspond to items in the specification for application 10/645,099 I will use the term "item" to discuss the Ellard invention. For example, part numbers are items within the inventory financial asset and individual customers are items within the customer element of value (see page 19 of specification for 10/645,099).

Based on my experience and training in the field of data storage, data conversion and electronic data processing, I have concluded that the Ellard invention is not relevant to the claimed invention for a variety of reasons.

Ellard teaches that in order to define an item index it is necessary to complete several steps including eliminating duplicate item records, correcting mis-spellings and finding a way to distinguish between items with the same names. The user is given the option identifying the different records that identify the same item and/or the Ellard system can identify records that identify the same item using scoring. Furthermore, the Ellard invention uses a single index to link together all data from the same item.

The teachings of Ellard are not relevant to the invention described in application 10/645,099 because the primary analysis performed by the disclosed invention of application 10/645,099 (and all other Asset Reliance patent applications I am aware of)

is completed at the element level. As noted on page 44 and page 45 of the specification:

The software in block 303 retrieves data from the meta data mapping table (141) and the soft asset system table (148) and then assigns item variables, item performance indicators and composite variables to each element of value using a two step process.

For example, the element level analysis for customers incorporates all customer item data. Because of this, the fact that some records may have mis-spelled names and/or that the same customer is identified with different customer numbers is of no consequence. The same is true for the other elements of value.

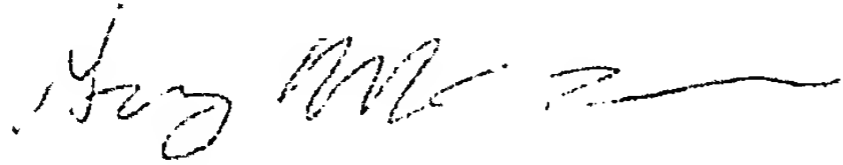
Using the Ellard system for data consolidation would also destroy the ability of the claimed invention to function. The invention described in application 10/645,099 (and all other Asset Reliance patent applications I am aware of) relies on understanding the classification of the data associated with each item within a schema to complete the claimed processing. For example, a specific company could be a partner, a customer and a vendor. The data for the specific company would therefore be mapped to the partner element of value, the customer element of value and the vendor element of value. Data obtained from outside sources like the Internet and external databases is also classified before it is put in the database (see pages 37 through 39). I am not aware of any way to modify the Ellard invention to recognize the different classifications for the same item without destroying the ability of the Ellard invention to function.

The Ellard invention also teaches away from the claimed invention as it utilizes user established criteria and scoring to identify items that are similar, link them together and then treats them like they are the same item. On the other hand, the claimed invention identifies subcategories of items that are similar within each classification by using clustering algorithms. The clustering algorithms learn the best way to segment the items from the data associated with each classification and then identifies the items as belonging to a segment. This analysis supports analysis at the sub-element level. As stated before, the Ellard invention does not allow for different classifications for the same item. It also does not recognize subcategories within each classification.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that

these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Signed,

A handwritten signature in black ink, appearing to read "Greg Cusanza", followed by a long horizontal flourish.

Greg Cusanza

Date: 4-4-2008